

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

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|---|---|--------------------------|
| HEATHER B., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 2:19-cv-00484-JDL |
| |) | |
| ANDREW M. SAUL, |) | |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |

**ORDER ACCEPTING THE RECOMMENDED DECISION OF THE
MAGISTRATE JUDGE**

Heather B. seeks judicial review of the Social Security Administration Commissioner's final decision determining that she is not disabled and denying her application for Disability Insurance and Supplemental Security Income benefits (ECF Nos. 1, 11). On May 11, 2020, the Commissioner filed a motion requesting that the Court, pursuant to sentence four of 42 U.S.C.A. § 405(g) (West 2020), remand the matter to the Appeals Council with instructions to remand to the Administrative Law Judge for further evaluation of the Plaintiff's residual function capacity (ECF No. 15). The Plaintiff agrees that remand is appropriate but opposes the remand instruction proposed by the Commissioner (ECF No. 17).

Magistrate Judge John H. Rich III held a hearing on the Commissioner's motion on June 23, 2020 (ECF No. 24). The Magistrate Judge filed his Recommended Decision with the Court on August 31, 2020, recommending that the Court grant the Commissioner's motion to remand but adopt the remand language proposed by the Plaintiff, rather than that proposed by the Commissioner (ECF No. 25). The time

within which to file objections has expired, and no objections have been filed. The Magistrate Judge notified the parties that failure to object would waive their right to *de novo* review and appeal.

Having reviewed and considered the Magistrate Judge's Recommended Decision, along with the entire record, I concur with the Magistrate Judge's conclusions as set forth in his Recommended Decision. It is therefore **ORDERED** that the Recommended Decision (ECF No. 25) of the Magistrate Judge is hereby **ACCEPTED**, the Commissioner's Motion to Remand (ECF No. 15) is **GRANTED IN PART**, and the matter is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C.A. § 405(g). Upon remand, the Appeals Council will instruct the Administrative Law Judge to further evaluate the claimant's physical residual functional capacity and describe the basis for each conclusion in the medical and nonmedical evidence; take further action to complete the administrative record resolving the above issues; and issue a new decision. The scope of this remand is limited to the period from December 29, 2014, through November 7, 2018. In light of the remand, the Plaintiff's Statement of Errors (ECF No. 11) is **DISMISSED AS MOOT**.

SO ORDERED.

Dated this 21st day of October, 2020.

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE